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10/524,782	02/16/2005	Thomas Talanis	2002P13033WOUS	3400

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Siemens Corporation
Intellectual Property Department
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EXAMINER
NGUYEN, PHONG H

ART UNIT	PAPER NUMBER
2162	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on <u>26 March 2010</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>19-21 and 23-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>19-21 and 23-37</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Claims 19-21 and 23-37 of this US application are presented for examination.

2.   Applicant's arguments, filed 3/26/2010, have been fully considered and are

persuasive. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made in view of Agulhon.

Claim Objections

3.   Claim 34 is objected to because of the following informalities: typo error on line 3

"sat least one file". Appropriate correction is requested.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 19-21, 23-25, 28, 29, 31 and 35-37** are rejected under 35 U.S.C. 103(a)

as being unpatentable over U.S. Publication Number 2002/0078065 issued to Isabelle

Agulhon ("Agulhon") in view of International Publication Number WO 01/18633 issued to

Paul R. Carpentier et al. ("Carpentier").

As per claim 19, Agulhon teaches *an apparatus having embedded computer functions for controlling operation of a device according to content in one or more files stored in a storage thereon* (see abstract), *the apparatus comprising:*

a communication connection for receiving the one or more files (see abstract: a transfer medium reads on limitation "communication connection");

wherein at least one file stored on the apparatus includes a portrayed file directory structure for addressing contents of the file that operates as a file directory structure for the apparatus without requiring a separate local file directory structure on the apparatus (paragraphs [0014], [0019]-[0031] and Figure 1 and 2: a data package reads on limitation "contents of the file").

Agulhon does not explicitly teach following limitations, but Carpentier does teach *the portrayed file directory structure comprises: characteristic start symbols and characteristic end symbols to represent hierarchy levels* (page 16, lines 21-27 and Figure 6A), *wherein the symbols comprise representations of one or more directories* (Figure 6A: a folder (directory) "net" with a start symbol (<folder name ="net") and an end symbol (</folder><!--net-->)), *representations of one or more corresponding subdirectories nested therein* (page 16, lines 21-27 and Figure 6A: any number of folders and any hierarchy may be represented in the descriptor file), *and representations of one or more files nested in one or more directories or subdirectories* (Figure 6A: the files within folder "net" (i.e. "FtpClient.class") each have at least a start symbol (<filename= FtpClient.class) and an end symbol (/>)), *in a manner representative of a physical hierarchical file directory structure, and wherein the*

contents of each file in the portrayed file directory structure are stored in each case between the respective characteristic symbols for each file, thereby allowing directories, subdirectories, and files to be directly addressable by means of the respective characteristic symbols (Figure 6A: contents of folder "net" and file "FtpClient.class" were stored between the respective characteristic symbols), *said portrayed file directory structure enabling the apparatus to operate as a web server with hierarchical addressing* (page 19, line 32 – page 20, line 3: the descriptor file (portrayed file) contains file directory structure can perform certain actions e.g. publication on web sites), *thereby enabling remote access to control or change operation of the device* (page 40 lines 10-12: method embodiments of the present invention may execute over a network such as the Internet in conjunction with a remote CPU).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Agulhon with the teaching of Carpentier because it would provide convenient and easy for transferring a file system including any hierarchical folders and files from source data storage to a destination data storage using Extensible Markup Language format (XML) which is the universal format for structured documents and data on the Web.

As per claim 20, Carpentier teaches *an Internet-compatible language is used for describing the portrayed file directory structure* (page 20, lines 4-5: descriptor file

(portrayed file) was written using an application of XML which is an Internet compatible language).

As per claim **21**, Carpentier teaches *the at least one file, in which the portrayed file directory structure is stored, is an XML file and the XML language is used for the purpose of describing the portrayed file directory structure* (page 20, lines 4-5: descriptor file (portrayed file) was written using an application of XML).

As per claim **23**, Carpentier teaches *a new line is used both for each characteristic start symbol and for each characteristic end symbol* (Fig. 6A: new line is used both for characteristic symbols "<", "</" and "/>").

As per claim **24**, Carpentier teaches *the designation of the relevant file directory or of the relevant file is used as a characteristic start symbol, and the designation of the relevant file directory or of the relevant file is used as a characteristic end symbol and a predeterminable character is added as a prefix* (Figure 6A: <eclipcontents>, </eclipcontents>, <hfml>, </hfml>, <folder>, </folder> are used as a characteristic start symbol and characteristic end symbol).

As per claim **25**, Carpentier teaches *at least one file includes further sections having other contents, said further sections being identified or separated in each case by at least one characteristic start symbol and at least one characteristic end symbol*

(page 19, lines 30-31: any relevant information (further sections having other contents) may automatically be added to the descriptor file).

As per claim 28, Carpentier teaches *the apparatus comprises a mechanism for receiving and/or storing the at least one file via a communication network* (Figure15: User Computer 972, 962 and Server Computer 974, 966 are receiving and storing the descriptor file, and LAN and Internet 968 are communication network).

As per claim 29, Carpentier teaches *the communication network is the Internet and/or an Intranet and/or a radio connection* (Figure15: Internet 968 and LAN 970 (Local Area Network) that is also Intranet).

As per claim 31, Carpentier teaches *content of one or more of the files in the portrayed file directory structure is capable of being remotely addressed using a full Uniform Resource Language URL address in accordance with the file's location in the portrayed file directory structure and being displayed as a webpage on a remote device* (page 14, lines 25-27: Although the invention works without an additional file locator, one may be used. An example of a file locator is a URL, an IP address, or a path name).

As per claim 35, Carpentier teaches *the apparatus is an embedded device* (page 19, lines 18-19: This descriptor file includes meta data that identifies a software plug-in (embedded device) in any suitable fashion).

As per claim 36, Carpentier teaches *the apparatus is an automation device* (page 19, lines 22-24: When files are retrieved by the software agent by using the descriptor file, the software plug-in is identified, located and automatically installed (automation device) upon the user's computer).

The subject maters of **claim 37** are rejected in the analysis above in claim 19, and this claim is rejected on that basis.

6.   **Claims 26, 27, 30 and 32-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Agulhon in view of Carpentier, and further in view of U.S. Patent Number 6,029,196 issued to Michael A. Lenz ("Lenz").

As per claim 26, Agulhon and Carpentier teach the apparatus to claim 25 as discussed above. Agulhon and Carpentier do not explicitly teach configuration data is stored in at least one of the further sections.

Lenz teaches *configuration data is stored in at least one of the further sections* (column 1, lines 58-60: The file contains information for setting the client's lock files, e.g. preferences, configuration information).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Agulhon and Carpentier with the

teaching of Lenz because it would store any information about client in one file so a system administrator has ability to configure and update remotely every client in the network with one file (Abstract lines 1-3 from Lenz).

As per claim 27, Agulhon and Carpentier teach the apparatus to claim 25 as discussed above. Lenz teaches *result codes and/or error codes are stored in at least one of the further sections* (column 1, lines 58-60: The file contains information for setting the client's lock files, e.g. preferences which reads on limitation "result codes and/or error codes").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Agulhon and Carpentier with the teaching of Lenz because it would store any information about client in one file so a system administrator has ability to configure and update remotely every client in the network with one file (Abstract lines 1-3 from Lenz).

As per claim 30, Lenz teaches *a configuration of the apparatus, using the configuration data, can be carried out automatically after the at least one file has been loaded onto the apparatus* (see abstract, lines 7-12: the configuration file that is used by the client to configure its system and it is performed automatically during runtime).

As per claims 32, Agulhon and Carpentier teach the apparatus to claim 19 as discussed above. Lenz teaches *an update of the portrayed file directory structure*

comprises overwriting an original file version of the at least one file with a new file

version (see Abstract: Server configured any client by only one file and the configuration

includes updating any files, folders, file directory structure, configuration data and that

configuration also can be carried out automatically by overwriting that one file by new

file sent by server).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the apparatus of Agulhon and Carpentier with the

teaching of Lenz because it would store any information about client in one file so a

system administrator has ability to configure and update remotely every client in the

network with one file (Abstract lines 1-3 from Lenz).

As per claims 33, Lenz teaches an update of the configuration data comprises

overwriting an original file version of the at least one file with a new file version (see

Abstract).

As per claim 34, Lenz teaches *after the at least one file has been updated, a*

previously set configuration data of the apparatus onto which the original file version of

the at least one file was loaded, is automatically checked and adapted (see Abstract

lines 7-12: the configuration file (second file) that is used by the client to configure its

system and it is carried out automatically during runtime. Therefore, that configuration

data of the second file can automatically be checked and adapted before installing in

device is also part of the teaching of Lenz).

Contact Information

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong Nguyen whose telephone number is 571-270-1766. The examiner can normally be reached on Monday-Friday, 7:30am - 5:00pm EST Alt Fridays off.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phong Nguyen/
Examiner, Art Unit 2162
April 2, 2010

/John Breene/
Supervisory Patent Examiner, Art Unit 2162